

REMARKS

The Invention

The invention features methods and compositions for treating a subject with, or at risk of having, a Japanese cedar allergy.

Status of the Claims

Claims 16 and 17 are pending and under consideration in this application, claims 1-15 having been cancelled without prejudice to their being pursued in a separate application. Applicants presume that the statement in the Advisory Action of July 15, 2003 (page 1, paragraph 7) that claim 17 was rejected was an inadvertent error in that the claim was stated to be allowed in the final Office Action dated December 2, 2002. Moreover, no amendments were made to claim 17 in response to that final Office Action and no specific comments were provided in the Advisory Action of July 15, 2003, in regard to claim 17.

35 U.S.C. § 112, paragraph 1, rejections

Claim 16 stands rejected on the grounds that: (a) the specification allegedly does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with the claim; and (b) it allegedly contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

The Advisory Action of July 15, 2003, indicated that the amendment made to claim 16 in the Response filed May 30, 2003, had not been entered. Thus, the amendment made herein to claim 16 amends the claim as it read prior to the Response filed May 30, 2003.

From the text on page 2, line 16, to page 7, line 8, of the final Office Action dated December 2, 2003, Applicants understand the Examiner's position to be that the specification provides neither enablement nor written description for "preventing" cedar pollen allergy. While not agreeing with this position, in order to expedite prosecution of this application, Applicants

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have deleted the term "or preventing" from the first line of claim 16. This amendment, which is supported by the specification (e.g., the paragraph spanning pages 15 and 16), adds no new matter.

In light of the above amendment, Applicants respectfully request that the rejection under 35 U.S.C. §112, first paragraph, be withdrawn.

CONCLUSION

For the reasons set forth above, Applicants maintain that the pending claims patentably define the invention. Applicants request that the Examiner reconsider the rejections as set forth in the Office Action, and permit pending claim 16, like claim 17, to pass to allowance.

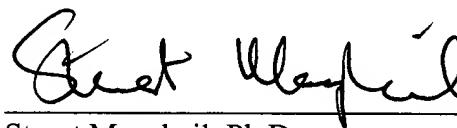
If the Examiner would like to discuss any of the issues raised in the Office Action, Applicants' undersigned representative can be reached at the telephone number listed above.

Enclosed is a request for an automatic extension of time and check in payment of the extension of time fee. Please apply any other charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 14883-031001.

Respectfully submitted,

Date: _____

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